

REMARKS

Applicant provisionally elects Group I claims 1-39. The Group I claims 1-39 are provisionally elected with traverse in that the three groups are not "independent and distinct" within the meaning of 35 USC 121 as referenced further in MPEP 802.01. The restriction requirement under 35 USC 121 recites "independent" and "distinct" are required to support the restriction. At least the test for independence among Group I, Group II, and Group III claims is not met, because there is sufficient relationship between the groups that they should be examined together.

The three groups of claims are directed to the same field, namely forming an anode for a zinc/air cell or a zinc/air cell with improved anode. The battery field extends to many other types of cells, many of which are not zinc/air cells. The above groups of claims are related because they apply to a specific type of cell, namely, a zinc/air cell and in particular anodes of such cells. Such common relationship among the Group I, Group II, and Group III claims should be taken into consideration despite that Group I claims are drawn to a method for forming the anode of the invention for a zinc/air cell and Group II claims are directed to zinc/air cell having the anode of the invention, and Group III claims are directed to the combination of an anode can for a zinc/air cell and the improved anode of the invention.

Since the three Groups of claims are related to the same art, namely anodes for zinc/air cell, the same general art would be searched by the Examiner regardless of whether or not the three Groups were considered together or separately. If the Examiner believes that the search should extend to anodes for alkaline cells in general, and not just zinc/air cells, then the three groups of claims would be related on that basis. Thus, the searches pertaining to each of the claims groups would cover

similar ground regardless of whether they were examined together or separately.

It would, therefore, be most efficient to prosecute this application in its entirety to avoid Divisional in that any restriction in this case would cause duplicity of effort by the Patent and Trademark Office and Applicant's Counsel.

The Restriction Requirement is herein believed to be traversed and withdrawal of the restriction is respectfully requested. Further prosecution of the Application is requested.

Authorization is hereby given to debit Deposit Account 502271 for any amount owing or credit the same account for any overcharges in connection with this communication.

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Respectfully submitted,

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